

CHAPTER 95: ANIMALS

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§ 95.01 RUNNING AT LARGE PROHIBITED.

It is a petty misdemeanor for the owner of any pet to permit the animal to run at large. Any pet shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner or on a leash or otherwise under the control of an accompanying person of suitable age and discretion.

(1981 Code, § 9.21, Subd. 1) Penalty, see § 10.99

§ 95.02 LICENSE REQUIRED.

It is a petty misdemeanor for the owner of any dog or cat, 6 months of age or more, to fail to obtain a license therefor from the city.

(1981 Code, § 9.21, Subd. 2) Penalty, see § 10.99

§ 95.03 FEES.

All fees for the licensing and impounding of dogs and cats, including penalties for late application, shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. The fees may from time to time be amended by the Council by resolution.

(1981 Code, § 9.21, Subd. 3)

§ 95.04 LICENSE PERIOD.

All dog and cat licenses shall expire on December 31 of each year and shall become delinquent on the first day of April in each year or within 7 months after birth.

(1981 Code, § 9.21, Subd. 4)

§ 95.05 TAG REQUIRED.

All licensed dog and cats shall wear a collar and have a tag firmly affixed thereto evidencing the license for the current year. A duplicate for a lost tag may be issued by the city upon presentation of the receipt showing the payment of the license fee for the current year. Tags shall not be transferable, and no refund shall be made on any dog or cat license fee because of leaving the city or death of the dog or cat before the expiration of the license.

(1981 Code, § 9.21, Subd. 5)

§ 95.06 IMMUNIZATION.

(A) All applications for dog and cat licenses shall be accompanied by a current certificate of immunization for rabies signed by a veterinarian duly licensed to practice veterinary medicine in the state and stating:

- (1) The owner's name;
- (2) A description of the dog or cat; and
- (3) The date beyond which the immunization is not considered effective.

(B) On or prior to the date of expiration of the effective immunization, the owner of a dog or cat shall file with the city a new certificate containing the same information as herein required.

(1981 Code, § 9.21, Subd. 6) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 95.07 UNLAWFUL ACTS.

It is a petty misdemeanor for the owner or person having custody or control of any dog or cat to:

(A) Fail to have the license tag issued by the city firmly attached to a collar worn at all times by the licensed animal; or

(B) Own or keep a dog or cat which is dangerous (any such animal which has caused injury to persons or property shall be deemed dangerous); or

(C) Interfere with any police officer, or other city employee, in the performance of their duty to enforce this chapter; or

(D) Fail to keep the dog from barking, howling or whining or the cat from emitting loud or unusual noise; or

(E) Fail to prevent the dog or cat from defecating in or upon any school ground, public street, sidewalk, alley, tree bank (berm), park or any other public ground or any private property within the city, other than the premises of the owner or person having custody or control of the dog or cat; or

(F) Fail to immediately remove the feces of the dog or cat that defecates on public property or otherwise in violation of the prohibition contained in the preceding subsection; or

(G) Permit the feces of a dog or cat to accumulate for more than 24 hours on the owner's premises or the premises of the person having custody or control of the dog or cat.
(1981 Code, § 9.21, Subd. 7) (Ord. 137, 3rd Series, eff. 8-28-1992)

§ 95.08 ANIMAL POUND.

(A) Any dog or cat found in the city without a tag, running at large, barking, howling or whining when the owner is not present or cannot control the animal, or otherwise conducting itself in a manner prohibited by this chapter shall be placed in the Animal Pound, and an accurate record of the time of the placement shall be kept on each dog or cat. Every dog or cat so placed in the Animal Pound shall be held for redemption by the owner, for a period of not less than 5 regular business days. A **REGULAR BUSINESS DAY** is one during which the Pound is open for business to the public for at least 4 hours between 8:00 a.m. and 7:00 p.m. Impoundment records shall be preserved for a minimum of 6 months and shall show:

(1) The description of the animal by specie, breed, sex, approximate age, and other distinguishing traits;

(2) The location at which the animal was seized;

(3) The date of seizure;

(4) The name and address of the person from whom any animal 6 months of age or over was received; and

(5) The name and address of the person to whom any animal 6 months of age or over was transferred.

(B) If unclaimed, the dog or cat shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of M.S. § 35.71, as it may be amended from time to time; provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, the animal shall not be made available to any such institution but may be destroyed after the expiration of the 5-day period.

(1981 Code, § 9.21, Subd. 8) (Ord. 45, 3rd Series, eff. 6-1-1984)

§ 95.09 NOTICE OF IMPOUNDING.

Upon the impounding of any dog or cat, the owner shall be notified.

(1981 Code, § 9.21, Subd. 9)

§ 95.10 RELEASE FROM ANIMAL POUND.

Dogs and cats shall be released to their owners, as follows:

(A) If the dog or cat is owned by a resident of the city, after purchase of a license as aforesaid, and payment of the impounding fees;

(B) If the dog or cat is owned by a person not a resident of the city, after immunization of any dog for rabies, and payment of the impounding fee for the period which the dog or cat was impounded.

(1981 Code, § 9.21, Subd. 10)

§ 95.11 MUZZLING PROCLAMATION.

Whenever the prevalence of rabies renders the action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. It is a petty misdemeanor for any person to violate the proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of the dog shall be in violation of this chapter.

(1981 Code, § 9.21, Subd. 11)

§ 95.12 IMMOBILIZATION OF DOGS AND CATS.

For the purpose of enforcement of this chapter, any peace officer, cat or dog catcher, or other person assisting a peace officer or cat or dog catcher may use a so called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog or cat.

(1981 Code, § 9.21, Subd. 12) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 95.13 LIMITATION ON NUMBER.

It is a petty misdemeanor for any person to own or keep more than 2 dogs over the age of 4 months or more than 2 cats over the age of 4 months on his or her premises except in a district zoned for agricultural use. The limitation of 2 dogs may be increased to 3 dogs so long as at least 1 of the 3 dogs is used by the City Police Department for law enforcement purposes. Under no circumstances may the 3-dog limit be exceeded.

(1981 Code, § 9.21, Subd. 13) (Ord. 97, 3rd Series, eff. 8-26-1988; Am. Ord. 242, 3rd Series, passed 9-16-1999) Penalty, see § 10.99

§ 95.14 QUARANTINE FOR CERTAIN DOGS AND CATS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NON-PENETRATING WOUND. One where no tooth of the biting dog or cat has broken the surface of the victim's skin, regardless of whether there may be injury below the skin as evidenced by discoloration or otherwise.

PENETRATING WOUND. One where a tooth of a biting dog or cat has broken the surface of the victim's skin resulting in a scratch, laceration, or puncture type wound.

QUARANTINED. The seizing of a biting dog or cat and the placement of the dog or cat in an animal shelter or veterinary hospital by the Chief of Police for a period of not less than 10 days at the owner's expense. The dog or cat shall be examined by a veterinarian immediately after it has bitten anyone and again at the end of the quarantine period. If at the end of the quarantine period the veterinarian is convinced that the dog or cat is free of rabies the dog or cat shall be released from quarantine. If the dog or cat dies during confinement, the carcass of the dog or cat shall be delivered to the Health Officer who shall take such steps as are necessary to determine if the dog or cat had rabies.

(B) Any dog or cat which has not been currently immunized for rabies and which bites a person, regardless of whether the bite results in a penetrating or non penetrating wound, shall be quarantined.

(C) Any dog or cat which bites a person resulting in a penetrating wound shall be quarantined regardless of whether the dog or cat has been currently immunized for rabies.

(D) Any dog or cat which has been currently immunized for rabies and which bites a person resulting in a non-penetrating wound shall not be quarantined. However, the owner of the dog or cat shall keep the dog or cat in the owner's residence segregated from all other animals for a period of not less than 10 days. On the tenth day following the date that the dog or cat bit a person, the Chief of Police shall observe the dog or cat and if the dog or cat appears to be ill or sick, the Chief of Police shall immediately seize and transport the dog or cat to a veterinarian for immediate examination at the owner's expense. If the veterinarian is convinced that the dog or cat is free of rabies, the dog or cat shall be released by the Chief of Police. If the veterinarian suspects that the dog or cat has rabies, the dog or cat shall be quarantined.

(1981 Code, § 9.21, Subd. 14) (Ord. 111, 3rd Series, eff. 3-23-1990)

§ 95.15 PERSONS IN POSSESSION.

Any person who feeds or houses a dog or cat temporarily or permanently shall have all of the duties and bear the responsibilities of an owner under the provisions of this chapter.

(1981 Code, § 9.21, Subd. 15) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 95.16 KEEPING, TRANSPORTING, TREATMENT AND HOUSING OF ANIMALS AND FOWL.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMALS. Farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

FARM ANIMALS. Cattle, horses, mules, sheep, goats, swine, ponies, geese, turkeys, chickens, guinea hens and honey bees.

(Ord. 9, 3rd Series, eff. 6-6-1981)

(B) *Keeping.* It is unlawful for any person to keep or harbor any animal, not in transit, except:

- (1) Farm animals kept in that portion of the city zoned for agricultural purposes; or
- (2) Animals kept as part of a show licensed under the City Code; or
- (3) Animals kept in a laboratory for scientific or experimental purposes; or
- (4) Animals kept in an animal hospital or clinic for treatment by a licensed veterinarian; or

(5) Honey bees kept in that portion of the city zoned I-1 and only then during the honey bees' dormant stage.
(Ord. 73, 3rd Series, eff. 7-4-1986)

(C) *Animals in transit.* It is unlawful for any person to transport animals unless they are:

- (1) Confined within a vehicle, cage or other means of conveyance; or
- (2) Farm animals being transported in a portion of the city zoned for agricultural purposes; or
- (3) Restrained by means of bridles, halters, ropes or other means of individual restraint.

(D) *Treatment.* It is unlawful for any person to treat an animal in a cruel or inhumane manner.

(E) *Housing.* It is unlawful for any person to keep any animal in any structure infested by rodents, vermin, flies or insects.

(F) *Trespasses.* It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, city park, cemetery, garden or lot without specific permission therefor from the owner.

(1981 Code, § 9.29) (Ord. 9, 3rd Series, eff. 6-6-1981) Penalty, see § 10.99

§ 95.17 WILD ANIMALS.

(A) *Purpose.* This section is adopted for the purpose of protecting the health, safety and welfare of the residents of the city.

(B) *Definition.* For the purposes of this section, the term **WILD ANIMAL** means and includes any animal, not of the traditional domesticated species, which is inherently dangerous and presents a potential risk to the public.

(C) *Running at large prohibited.* It is unlawful for the owner of any wild animal to permit the animal to run at large. Any animal shall be deemed to be running at large with the permission of the owner unless it is effectively confined within a motor vehicle, building, or enclosure.

(D) *Permit required.* It is unlawful for any person to keep, shelter or harbor any wild animal without a permit therefor from the city.

(E) *Permit term and fees.* All permits shall be issued for a term of 2 years and the fee for the permits shall be fixed and determined by the Council, adopted by resolution and uniformly enforced. The fee may from time to time be amended by the Council by resolution.

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(F) *Conditions of permit.* No permit for the keeping of wild animals shall be issued until the applicant has met the following criteria for the keeping and housing of wild animals:

(1) A plan is approved by the Council which establishes the nature and size of the cage or enclosure to house the animal considering the animal's size, weight, strength and relative danger to the public; specifying all protective devices to be maintained to restrain the animal and discourage tampering by humans and other animals; providing for suitable exercise facilities; and an emergency response plan to be on file with the city;

(2) Erection and maintenance of suitable fencing for the protection of adjoining property owners and the general public;

(3) Providing suitable sanitation controls so as not to create a public or private nuisance;

(4) Proof of insurance for medical expense and liability.

(G) *Inspection.* Prior to the issuance of the permit, the city shall require an inspection to be made to determine that the facilities are suitable for the protection of the health, safety and welfare of the public. The inspection shall be made by a person approved by the city and the cost of the inspection shall be borne by the applicant.

(H) *Suspension or revocation of permit.*

(1) The Council may, for any violation or other reasonable cause:

(a) Refuse to grant any renewal application;

(b) Suspend for a period of 60 days; or

(c) Revoke any permit issued under this section.

(2) The action shall be made only upon a finding that the permittee has failed to comply with the provisions of this section. The Council shall take such immediate action as it deems necessary for the public protection to remedy any potentially dangerous situation. The owner of the animal shall be responsible for any expense incurred as the result of the action. Before revocation of any permit, the Council shall give notice to the permittee and grant the permittee opportunity to be heard. The permittee shall have 30 days following a revocation hearing to correct any violations of this section found to be the basis for revocation, during which time period the revocation shall be suspended.

(1981 Code, § 9.37) (Ord. 176, 3rd Series, eff. 4-20-1995)